

SENATE BILL REPORT

SB 5213

As Reported By Senate Committee On:
Ways & Means, February 07, 2008

Title: An act relating to strengthening Washington's ocean management policies.

Brief Description: Promoting coordinated ocean management policies.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/15/07, 1/25/07 [DPS-WM];
1/31/08, 2/7/08 [DP2S-WM, DNP, w/oRec].
Ways & Means: 2/21/07; 1/16/08 [w/oRec-NROR].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Second Substitute Senate Bill No. 5213 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Rockefeller and Spanel.

Minority Report: Do not pass.
Signed by Senator Swecker.

Minority Report: That it be referred without recommendation.
Signed by Senator Stevens.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Elise Greef (786-7708)

Background: Ocean policy issues have gained significant national attention in recent years. In 2000, Congress created the United States Commission on Ocean Policy (USCOP). In its final report, issued in 2004, USCOP recommended the creation of a National Ocean Council within the Executive Office of the President and coordination of ocean policy at the regional and state levels. The Pew Oceans Commission issued a report in 2003, recommending the creation of an ocean policy agency and regional ocean policy councils. In response to the USCOP report, the President released an Ocean Action Plan in December 2004, creating a

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cabinet level Committee on Ocean Policy and outlining a series of steps to improve the state of the nation's ocean waters.

In 2005 the Legislature provided the Governor's Office with \$200,000 to conduct a review of Washington's ocean policy issues and report back to the Legislature with: a summary of the state's ocean resources; recommendations for improving the coordination among state agencies and other jurisdictions; recommendations for financing measures for ocean protection, management, and development programs; and recommendations for legislation on ocean policy or resources. The final report of the Governor's Ocean Policy Work Group (OPWG) was issued in January of 2007.

The Governor's Office and numerous state agencies have formed the state ocean caucus to address ocean issues.

The Coastal Zone Management Program (CZMP) is authorized by the federal Coastal Zone Management Act (CZMA) of 1972 and administered at the federal level by the National Oceanic and Atmospheric Administration. The CZMA encourages and assists states to exercise their responsibilities in the coastal zone through the development and implementation of CZMPs. States prepare CZMPs that describe their coastal resources and how they are managed. In general, federal or federally permitted activities that affect any land use, water use or natural resource of the coastal zone must comply with the enforceable policies. Washington's enforceable policies in the CZMP consist of the Shoreline Management Act, the State Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Energy Facility Site Evaluation Council, and the Ocean Resource Management Act.

Summary of Bill (Recommended Second Substitute): The Ocean Policy Advisory Council (Council) is established in the Governor's Office. State agency membership on the Council includes the Governor's Office, the Department of Ecology (DOE), the Department of Natural Resources, the Director of the Department of Fish and Wildlife, the State Parks and Recreation Commission, and the Department of Community Trade and Economic Development. The Council includes elected representatives of the coastal counties, an elected city official, a conservation or environmental organization representative, coastal marine resources committee representatives, and a port district representative. Each participating coastal tribe is represented. The Council will also include a representative from the University of Washington's school of Marine Affairs.

The duties of the Council include:

- serving as a forum for communication to seek consistency of state, local, and tribal policies on ocean issues including resource management, ocean energy, marine and coastal hazards, and ocean research and education issues;
- providing policy recommendations to the Governor, the Legislature, and state and local agencies on ocean issues;
- reviewing the funding of state programs related to oceans and identifying and pursuing funding opportunities, in coordination with the Puget Sound Partnership;
- serving as a point of contact for the federal government, regional entities, and other state governments regarding ocean issues; and

- adopting the final report of the Governor's OPWG, implement the priority recommendations of the OPWG that are ready for immediate action, and developing an implementation plan for other priority recommendations.

DOE is designated as the principal state agency for administering the provisions of the CZMA. The Council, DOE, along with specified state and local governments, must review the policies included in the state's approved CZMP. Additionally, this group must review other state and local policies for possible inclusion in the CZMP. Upon concluding the review, DOE must submit a report to the Legislature identifying additional policies that would benefit from the state coastal zone program. DOE may not submit an amendment to add policies to the CZMP before the Legislature has had one session to review the proposal.

DOE is authorized to enter into agreements of administration with other state agencies and local governments to fully and effectively implement all elements of the state's CZMP.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Second Substitute): Adds members to the Council representing coastal marine resources committees, a commercial fishing association, and a conservation or environmental organization. Instead of requiring affirmative legislative approval for submission of additional policies to the federal government for inclusion in the CZMP, DOE may submit such an amendment once the Legislature has had one session to review the proposal. Makes technical changes to the language calling for the Council and DOE to review the state's CZMP.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Recommended Second Substitute Bill (Natural Resources, Ocean & Recreation): PRO: It is important to spotlight outer coast issues, and finding a dedicated funding source will be key for the success of ocean policy efforts. This bill is a big step forward, but the Legislature must ensure that coastal communities and interests are adequately represented, including commercial fisheries. This bill is related to the creation of Marine Resource Committees, which can work to implement broad ocean policies at the local level.

OTHER: Much work has been done recently on ocean policy issues, including development of a three-year action plan by the newly formed ocean caucus. There are concerns about the specific language to study the coastal zone management program, specifically concerns that it will limit the state's flexibility. Membership on any group created should be broad based and coastal focused, including the aquaculture industry.

Persons Testifying (Natural Resources, Ocean & Recreation): PRO: Douglas Fricke, Coalition of Coastal Fisheries; Al Carter, Grays Harbor County; Fran McNair, Department of Natural Resources.

OTHER: Tom Clingman, Department of Ecology; Jim Jesernig, Pacific Coast Shellfish Growers Assn.